

Sullivan County NH

Type of meeting: Board of Commissioners Public Meeting Minutes

Date / Time: Tuesday - September 6, 2005, 1:30 p.m.

Place: Newport - Commissioners Conference Room, 1st Floor

ATTENDEES: Commissioner Donald Clarke - *Chair*, Ben Nelson - *Vice Chair* (arrived later) and Commissioner Ethel Jarvis - *Clerk*; Ed Gil de Rubio - *County Manager*; Ron McPhall - *Dietary Director*; Courtney Marshall - *S.C.N.H. Administrator*; Marc Hathaway - *County Attorney* (arrived later); and Sharon Johnson-Callum (*minute taker*).

OTHER ATTENDEES: *State-County Delegates* Peter Franklin and Larry Converse; Rebecca Miller - *Eagle Times reporter*.

1:32 Commissioner Clarke brought the meeting to order. Representative Franklin led all in the *Pledge of Allegiance*.

AGENDA ITEM NO. 1 MEETING MINUTES

AGENDA ITEM NO. 1A. AUGUST 3, 2005 SPECIAL MEETING MINUTES

1:34 A motion was made by Commissioner Jarvis approving the August 3, 2005 meeting minutes. Commissioner Clarke seconded the motion. Discussion: Comm. Clarke noted extra words in the typed document that were duplicates. The minute taker will remove. A voice vote was taken. The motion carried with both in favor. Commissioner Nelson was not present for the vote.

AGENDA ITEM NO. 1.B AUG 16, 2005 PUBLIC MEETING MINUTES

1:35 A motion was made by Commissioner Jarvis to approve the August 16, 2005 public meeting minutes. Commissioner Clarke seconded the motion. There was no discussion. A voice vote was taken. The motion carried with both in favor. Commissioner Nelson was not present for the vote.

1:36 Commissioner Nelson arrived.

AGENDA ITEM NO. 1.C. AUGUST 16, 2005 EXECUTIVE SESSION MEETING MINUTES LITIGATION ISSUE
The County Manager recommended keeping the minutes sealed, as the issue was still pending.

AGENDA ITEM NO. 1.D. AUGUST 16, 2005 EXECUTIVE SESSION PERSONNEL ISSUE

The County Manager recommended keeping the minutes sealed, as the issue was still pending.

1:39 A motion was made by Commissioner Jarvis to approve the August 16, 2005 Executive Session Personnel Issue meeting minutes. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

1:40 A motion was made by Commissioner Jarvis to unseal the Aug 16, 2005 Executive Session Personnel Issue. Commissioner Nelson seconded the motion. Discussion: the Commissioners noted there was no reason to keep the minutes sealed as there

were no specific names mentioned. The County Manager withdrew his recommendation to keep the minutes sealed. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM 2 CDFA GRANT 03-410-FHS [ASSISTED CARE] FEASIBILITY STUDY

AGENDA ITEM 2.A. DESIGNATE ENVIRONMENTAL CERTIFYING OFFICER

It was noted part of the requirements for the CDFA grant for the Assisted Care Feasibility Study was to appoint an Environmental Certifying Officer; typically the Board of Commissioner Chair takes on this role. It is the responsibility of the officer to maintain the records and to review the project for Environment Review status. The minute taker noted a file was created at the Commissioners Office to include all paper work for the Feasibility Study.

1:42 A motion was made by Commissioner Nelson to designate Commissioner Clarke as the Environmental Certifying Officer. Commissioner Jarvis seconded the motion. There were no further discussions. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM 2.B. APPROVE ENVIRONMENTAL ASSESSMENT OF PROJECT

It was noted by the minute taker, as a feasibility study, the project, per CDFA, is considered an "exempt status". Accordingly, an "exempt status" form is required to be signed and dated by the Environmental Certifying Officer to indicate this finding.

1:44 A motion was made by Commissioner Nelson to authorize the Chair to sign the Exempt Status form. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Commissioner Clarke signed the form, a copy of which is now on file at the Commissioners Office in the CDFA: Feasibility Study – Assisted Care Facility folder.

AGENDA ITEM NO. 2.C. SET DATE FOR PUBLIC HEARING

It was noted a public hearing date could not be set until it was indicated if the Assisted Living Facility Feasibility Report, provided at a prior special meeting, was a final report. Invoices from Clough Harbour & Associates (CHA) indicated otherwise, per the minute taker. The County Manager will attain confirmation from Gerald Coogan or CHA.

SIDE NOTE - OCTOBER BOARD OF COMMISSIONERS MEETINGS TO RESCHEDULE

It was noted the Oct 4th regular Board meeting conflicted with the NHAC Annual Convention. The Board discussed alternative dates.

1:46 A motion was made by Commissioner Jarvis to set the October meeting dates for the 11th and 25th. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 3 FOOD SERVICES DEPARTMENT REPORT

Ron McPhall, Dietary Director, stepped up to the table to provide his report. He discussed the

Request For Bids (RFB) and the bids received. Vendors who submitted bids included: Sysco Hall Smith, Burlington Foods and Fitz Vogt & Associates. He discussed the nine food categories used as part of the RFB and the individual vendor details. Mr. McPhall recommends using Sysco Hall bid, as less costly. He discussed the UHF purchasing program Sysco Hall participates in. He noted rebates are received quarterly. Commissioners expressed reluctance on making a decision. The County Manager recommended they go in to executive session with Mr. McPhall and Mr. Marshall to discuss the Fitz Vogt & Associates bid. The Commissioners decided to table further discussion until the end of the meeting.

AGENDA ITEM ON. 4. COUNTY MANAGER REPORT

COUNTY AUDIT

The County Manager, Ed Gil de Rubio, noted Melanson and Heath Associates are still working on the County audit. He anticipates receiving adjusting journal entries by end of this week.

COUNTY REPORT: PRINTERS OF

The County bids received for the printing of the annual reports were discussed. The lowest bid received was Imprint Communications from West Lebanon. It was noted the County Manager visited the business and picked up samples of their work - of which he felt the business was very professional and the samples good quality.

2:18 A motion was made by Commissioner Nelson to use Imprint Communications as the low bid. Commissioner Jarvis seconded the motion. Discussion: The minute taker noted Imprint Communications verified the report could be done within 5-10 days of receiving the material. A voice vote was taken. The motion carried, unanimously.

COUNTY ANNUAL REPORT: DEDICATION PAGE

Commissioner Clarke noted two recommendations were received for the report's dedication page: Senator Bob Odell and former commissioner Rudy Adler. A general discussion commenced on the recommendations.

2:20 A motion made by Commissioner Jarvis to dedicate the report to Rudy Adler. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

COUNTY ANNUAL REPORT: COMMISSIONERS' REPORT

Commissioner Clarke noted he would provide Ms. Johnson-Callum a draft of the report and once typed it would be distributed via e-mail to the two other Commissioners for comments.

AGENDA ITEM NO. 5. COMMISSIONERS REPORT

Commissioner Clarke discussed the NHAC Executive Council meeting held Friday, at which the proposed by-laws were adopted. Commissioner Clarke noted a small group of Commissioners met with NH State HHS representatives to discuss how to reshape the relationship between the counties and the state. He felt it was the best meeting he had attended with the State/County up to this point, and that there were a lot of good issues brought to the table. He is unable to say

more, but feels they should hear more at the NHAC October Annual Convention.

NURSING HOME REPORT - NOT ON AGENDA

Courtney Marshall stepped to the table.

CENSUS

133 filled beds. Trend is good. June/July were in mid twenties and highest it's been since Mr. Marshall arrived. Commissioner Clarke mentioned he received information at a recent Concord meeting indicating there were 5,000 approved Medicaid beds in NH, where as it ran about 4,800 when he came on board as a Commissioner.

Commissioner Jarvis asked Mr. Marshall "If the total beds for Medicare were 15, how much income it would bring in?" Mr. Marshall noted Medicare clients can stay a maximum of 100 days, with the average length of stay at Sullivan County around 35 days. He noted last year the average ran between 10-15 days. Mr. Marshall indicated \$350 per day is Sullivan County average for Medicare; however, there are approximately 44 different Medicare figures based on the type of acuity level the client receives. Commissioner Clarke requested an eye to be kept on the accounts receivable. Commissioner Jarvis indicated she noticed they don't have a lot of RN's – based on information she saw on the employee census list. Mr Marshall was unaware of where the report data came from, but confirmed there was no shortage. The County Manager noted the report reflected budgeted numbers, which were budgeted positions never removed by the previous administrator. Commissioner Clarke requested Mr. Marshall to attain a copy of the employee census and to find where the discrepancy came from.

2:39 Marc Hathaway joined the meeting in progress.

AGENDA ITEM NO. 6 PUBLIC PARTICIPATION

Rep. Franklin requested the monthly census report to reflect bed days. Rep. Franklin and Mr. Marshall discussed the Medicare rate. Mr. Marshall noted the Sullivan County average ran between \$325 - \$350. Rep. Franklin asked Mr. Marshall if Sullivan County was licensed for "A" typical Medicare rate and what the rate was. Mr. Marshall noted the rate was \$500, but "A" typical pertained to those with extreme issues such as brain injuries, which Sullivan County did not have. Private filled are self-paid at \$195. Private Insurance are those that have insurance for short-term rehab – where the insurance companies negotiate. Long Term Care would be \$195. Mr. Marshall noted the benchmark is typically 95% occupancy when creating a budget.

Rep. Converse asked about recent septic work at the nursing home. The County Manager noted there was a septic back up with the problem located specifically at the catch basin – towels were found. Pumping out the catch basin rectified the problem. The Facilities & Operations Department has placed this task on their bi-yearly preventative maintenance schedule.

Rep. Converse noted the pile of dirt he mentioned at the previous Unity meeting is still on Nursing Home roof. The County Manager indicated he would talk to the Facilities Director.

The Chair noted a previous request was made to go into to an Executive Session to discuss a bid

contract issue; as well as, to receive an update on a previous litigation issue. The County Attorney and Courtney Marshall were invited to sit in on both sessions. Mr. McPhall was invited to stay for the bid contract issue executive session.

2:53 A motion was made by Commissioner Nelson to go in to Executive Session per RSA 91-A:3.II.c. – Contract Issue. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken. The vote carried with all in favor.

3:14 A motion was made by Commissioner Jarvis to come out of executive session. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

3:15 Rep. Peter Franklin rejoined the meeting.

SIDE NOTE – DIETARY DEPARTMENT

Commissioner Nelson asked if Mr. McPhall was still using the Fitz Vogt & Associates computers? Mr. McPhall indicated they were not. Commissioner Nelson asked if all food service vendor bids were received on time? Mr. McPhall confirmed they were.

3:15 A motion was made, by Commissioner Nelson, to go with Sysco Hall Smith on advise of Ron McPhall and management, as most cost efficient. Commissioner Clarke seconded the motion. A voice vote was taken. The motion carried with the majority. Commissioner Clarke and Nelson voted for the motion. Commissioner Jarvis voted against the motion.

3:16 Mr. McPhall left the meeting.

3:17 A motion was made by Commissioner Nelson to go in to Executive Session per RSA 91.A.3.II.a. and e – Personnel and Litigation Issue. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken. The roll call vote carried with all in favor.

4:00 A motion was made by Commissioner Jarvis to come out of executive session. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

No formal action taken.

4:01 Rep. Peter Franklin rejoined the meeting.

Commissioner Clarke asked if there was any further business.

Commissioner Jarvis noted she received a letter from the Secretary of the State pertaining to the filing of the Certification of Oath of Office. The County Manager confirmed they would look into the issue with Superior Court Clerk, Peter Wolfe.

Rep. Franklin reminded the group of the request for information he made, the July 20th response

from Commissioner Clarke to request that he place future questions in writing and his response on July 25th. He noted he will not be following Commissioner Clarke's request and will visit the Commissioners Office in a week for information – no indication of the information he was going to inquire about was provided.

Rep. Franklin inquired on the status of a Certificate of Deposit. Commissioner Clarke and the County Manager noted it matured and rolled back in to the General Fund used as revenue to offset the amount to be raised by property tax. Rep. Franklin indicated this was not the proper way to handle it per the request of the Delegation, and mentioned there was a motion that was made by former Delegate Peter Burling regarding the funds. The County Manager indicated the Delegates approved using the money in the certificate of deposit when it expired July 5th 2005 to offset property taxes for FY 05/06.

4:20 ~ *The meeting adjourned.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Ethel Jarvis".

*Ethel Jarvis, Clerk
Board of Commissioner*

EJ/s.j-c.